



MINUTES
JULY 16, 2008

- 1) Sugar Hollow Road Assoc. LLC, SE #663 for the Shops at Marcus Dairy, 3 Sugar Hollow Rd.
- 2) Pamela Equities Corp., Subdivision Code #08-01 Candlewood Pines, 14 lot subdivision, 65-67 Bear Mountain Rd.

7:30 PM – Joseph Putnam as Contract Purchaser – Application for Special Exception to allow Self-Service Storage Establishment ("Putnam Self Storage II") in the CA-80 Zone – 20-22 Old Ridgebury Rd. (#C15010) – SE #675.

Chairman Finaldi read the legal notice. Bob Putnam said that neither the applicant nor their engineer could make tonight's meeting so he is representing them. He said EIC has asked for additional information which they have provided and they hope to get a decision before the next Planning Commission meeting. He said this parcel is located on Old Ridgebury Rd. between the Sheraton and Marriott Suites and has two buildings on it. The 16,000 sq.ft. building was the former site of Grace N'Vessels church. He said prior to September 2007, self storage was not a special exception in this zone, but when the Regulations were revised last year, it was changed. He said the intention to keep the footprint the same and add three more stories to the building. He said there will be little or to no changes to the entranceway and the parking area. Mr. Urice asked what kind of structure this will be. Mr. Putnam said it will be a steel building. He asked

Joe Balskus, PE, Tighe & Bond, said they have a presentation of the traffic study including photos, video and traffic simulation. He then submitted a copy of his resume for the record. **(Exhibit PP)**. He reviewed the standards used in preparing this study: ITE data, highway capacity manual, CTDOT highway design guidelines and engineering observations. He also explained the traffic report terminology. He said they are in front of the State Traffic Commission (STC) because this is a State road. He said the data collection included field observations taken on four different days of the week and they also looked at DOT traffic volumes. Their observations included traffic congestion caused by different reasons, an

important one being that there is no designated left hand turn from Mill Plain Rd. onto Aunt Hack. There is a traffic signal, but it is inefficient in operation and doesn't change properly. Another issue is I-84 because if there is an incident on that roadway, people get off onto Mill Plain Rd. He said this often happens where a town road is parallel to the Interstate. He compared this to Stamford, where DOT has developed alternate routes with programmed signals to help move the traffic in the event of a blockage. Although that is not proposed for this situation, it could be something to look at in the future. The impact of I-84 varies, it is not the same day-to-day. He showed them a graph of the ADT as counted by DOT with this year being the least. He showed traffic at the intersection with Old Ridgebury Rd. and said there has been no increase over the years. He distributed a summary of the Powerpoint presentation to the Commission members (**Exhibit QQ**). He said there is a reduction in traffic from the previous approval as shown by the table. The report recommendations include signalizing the Prindle La./Old Ridgebury Rd. intersection, widening the approach and adding a right turn lane. At the Aunt Hack Rd. intersection, they should revise signal timing and restripe Mill Plain Rd. to provide an eastbound turning lane. On Mill Plain Rd., they should continue two lanes until Old Mill Plain Rd., then merge into one lane and add a dedicated left turn lane onto Aunt Hack. Mr. Blaszkowski asked how many cars can stack in turning lane. Mr. Balskus said four to five cars should work with revisions to the timing of the traffic signal. He said the result of these changes will be that the proposed LOS at all intersections will improve significantly. There will be reduced peak hour trips, reduced back up on Mill Plain Rd., improved LOS and operations on Aunt Hack Rd. He said he had prepared a traffic simulation first showing the existing conditions and then showing it with the improvements. Chairman Finaldi asked him to explain the software used for this simulation. Mr. Balskus said this program is specific to this type of use, but it uses the road geometry, the number of lanes, and graphical information, all of which are synchronized to get this simulation. He said the key issue in preparing this is calibrating it to field conditions.

Ms. Hoffstaetter asked about truck traffic. Mr. Balskus said it is included in the numbers. He continued saying regarding the coordination of signalization, the software calculates it based on the data provided. Mr. Urice asked what makes them think DOT will agree to this. Mr. Balskus said the big reason is that the applicants are willing to pay for these improvements. Mr. Manuel asked if they looked at possible traffic problems at the Trader Joe's intersection. Mr. Balskus said they did look at it and there is volume but not enough to call it a problem. They worked with the City Traffic Engineer and determined where the problem is the worst. Mr. Blaszkowski asked if the simulation included traffic that might be incurred from accident on I-84. Mr. Balskus said it did not because they do not look at that for traffic analysis. Mrs. Emminger said usually changing the signalization timing would have a negative impact on other intersections. Mr. Balskus said that is not the case here, because none of the signals on Mill Plain Rd. have ever had their timing coordinated.

Cole Fasche, Benderson Development who will be the owner and operator of the proposed hotel said in response to the question of whether another hotel is needed in Danbury, they already own 241 extended stay rooms in the City and there is a demand for more. Chairman Finaldi added that the Commission is not allowed to consider economic viability as they cannot legislate that as a Commission. He added that there is the implied assumption that applicant will have done the research on their own.

Roy Steiner, 119 Walnut Hill Rd., said he, his son and his cousin are the applicants. He said their family are long term developers who build in the Danbury area. He said they try to support

local businesses and non-profits and to be a good corporate neighbor. He said they want to enhance the City because they live here too. They wouldn't bring this before the Commission unless it met their standards. They purchased this property from Morganti and received approvals for it in 2003. That approval included a traffic light on Prindle La. and the EIC approval included protection of environment. He said it was meant to be used as a model for other developments. They did site work and installed drainage systems to accommodate the EIC decision. They worked with the City on the west side sewer plant. So at this time, they have a flat site with the drainage and wetlands work completed, but no building. The real estate market has changed since then, so after evaluating the area, they changed their proposal to the present application. He said they wanted high quality development with no negative impact on wetlands and no increase in traffic congestion. He said the hotel was designed to complement the residential neighborhoods. The office building and restaurant are traditional in design. EIC has recently approved these new plans. They have reduced the size of the building footprint by going with multi floors and they have more lawn and open space. And with all of the road improvements being proposed there will be less traffic than the original approval. He said they are in hopes of the three buildings sharing services. They also added a bus shelter area so people can use that mode of transportation. This site has been professionally engineered, there is adequate emergency and handicapped access, the density is low and traffic volumes have been reduced. He said it is an improvement over the 2003 plan and he asked that they look upon this favorably and approve it.

Mrs. Emminger said at the first public hearing, she had said medical office was not included in the original application. But what they described as "flex" office space included a percentage of medical space which pushed up their trip generation numbers. The reduction in the amount of office space combined with the inclusion of the hotel and restaurant have reduced trip generation. She said we have received the report from the City Traffic Engineer but not yet the Traffic Authority. Mr. Mohammed went out in the morning and afternoon and took photos of this area. He included these photos as a part of his report.

Mr. Balskus then submitted a cd-rom containing his presentation (**Exhibit RR**).

Chairman Finaldi said before they ask for opposition they will read the letters that have been submitted in opposition into the record. He then asked that the opposition confine their comments to the application as presented and also not repeat themselves. All of the comments from the previous meeting have been recorded and are a part of the minutes of these meetings. They also could be transcribed verbatim if necessary. Chairman Finaldi said the Commission members would read these letters into the record.

Ms. Hoffstaetter read exhibit GG:

GG — Opposition letter from Nancy Kear-Johnson, 9 Maplewood Dr.

Mr. Blaszkowski read Exhibit HH:

HH — Opposition letter from John & Cecelia Cuk, 11 Kilian Dr.

Chairman Finaldi read Exhibits KK, II (form letters) & JJ:

II — Opposition letter from Lisa DiCiacco, 31 Lindencrest Dr.

JJ — Opposition letter from Kathy Healey, 4 Driftway Rd.

KK — Opposition letter from Anthony & Francine DeBellis, 29 Lindencrest Dr.

Mr. Manuel read Exhibits LL & MM:

LL — Opposition letter from Ernie Parker, 7 Padanaram Rd., Unit 70.

MM — Opposition letter from Dr. Louis Alosco, 18 Ashley Ct.

Mr. Urice read Exhibits NN & OO:

NN — Opposition letter from Dr. David Goldenberg, 3 Devonshire Dr.

OO — Opposition letter from Dorothy & Glenn Badger, 16 Greenlawn Dr

Before calling for the opposition, Chairman Finaldi said regarding the comments as to how the Commission can even consider this application: the short answer is that they have no choice. Procedure and law require that if an application for the use of a piece of land is submitted and it meets the criteria, they have to hear it. He said secondly the word variance has been used, when referring to this application. This is a Special Exception application, variance applications are the purview of the Zoning Board of Appeals. He then asked if there was anyone to speak in opposition to this application.

James Dyer, former Mayor and lifelong resident said he has lived on the west side for 26 years and he is concerned about the unbridled growth in this side of Danbury. He compared the west side to a village saying the residents purchased their homes with an expectation that the quality of life would be maintained by the City. This proposal will further exacerbate an already bad traffic situation on Mill Plain rd which affects the west side neighborhoods. An additional lane on Mill Plain Rd. will not solve these problems nor will additional traffic signals. He said we must realize that the byproduct of growth is traffic which unfortunately some of our roadways are not equipped to handle. He said he travels this road everyday, sometimes four or five times a day and to hear someone say that traffic has not grown is ridiculous. He said he never understood why the left turn signal into Aunt Hack did not have a lane to go with it, so that is a good idea. Although they have reduced the size of the proposal, it will still add traffic. So it is all a question of how we control and manage the traffic.

Sean Deakin and Gary Kurz, Rosy Tomorrows, thanked the Commission for listening to them. Mr. Deakin said their attorney is reviewing the traffic study; but they had such a short time since it was received Monday and today is Wednesday. He said they feel they know the area since their restaurant has been in existence for thirty years. Mr. Deakin then submitted their response to the traffic study (**Exhibit SS**). In this document, they respond to the nine conclusions in the Tighe & Bond report. One of the key issues is the comparison of the definitions for quality restaurant versus high turnover sit-down restaurant. He added that not knowing the tenant could determine a lot about the traffic. They have offered information on what hotel will be there and this type will generate less traffic than a standard hotel. He pointed out that there are other restaurants on Mill Plain Rd. which also could service this development. The bus stop within the development is new tonight, so he didn't calculate it. He showed the board photos of when the traffic starts and when it ends. The applicant's study was limited to two different days which this is not an accurate picture. The improvements they say will happen are not sufficient to deal with the situation. He said the LOS will not change because they paint a stripe on the road. He said there is vacant space on Mill Plain Rd that will be filled and will generate more traffic. He said regarding the proposed right hand turn lane onto Old Ridgebury Rd., there already are two exits off of I-84 so this proposed lane is superfluous. He said new signalization will only move the problem further up the road. And finally he said that their analysis is incomplete because it does not include the Old Mill Plain/Mill Plain Rd. intersection which is an important one. Gary Kurz said they have reason to question the numbers used in the Tighe & Bond report. It seems like they have chosen the lower numbers so their counts will be lower.

Jacqueline Taylor, Canterbury Court, said in the 2.7 miles between Exit 2 and Exit 4, there are loads of businesses that generate traffic. There is a lot of development on Mill Plain Rd. and they are not against it, but the traffic is a huge issue. She said the applicants have said the multi-use building will spread the traffic out but there already is too much traffic. She said all of the changes they have proposed should be done no matter what, because it would help this entire stretch of roadway and she hopes the City will consider it. She said new homes are built and new businesses open so there has to have been some increase in the amount of traffic. She asked if the improvements are made to the road, what kind of time frame it would take before it to impact the traffic. She said this is the first time she has gotten involved in the community and she is encouraged that the Commission and the applicant are listening to what the residents are saying.

Lydia DeLuryea, 1 Maplecrest Dr., said Aunt Hack is her pathway to Mill Plain Rd. so she is concerned about what they will do with it. She asked about the emergency exit that the applicant made reference to. Joe Canas showed her on the map that it goes out to Mill Plain Rd. She said she was surprised at the traffic report not including vehicles exiting from Trader Joe's parking lot, because that shopping center adds a lot of traffic to Mill Plain Rd. and creates a bottleneck. She questioned that shouldn't we fix the traffic situation before we add more traffic. She said we should be proactive not reactive. In closing she said that even if DOT thinks that Level of Service (LOS) of D is acceptable, it is not.

Albert Salame, 35 Tanglewood Dr., said he owns Dandy Distributors located at 80 Mill Plain Rd. He said this is a family business and they intend to expand or improve the existing site. He said he has not been approached by anyone about his site being used as an exit. He said he has mentioned at the previous meeting that he would not want anyone traveling over his property.

Mary Teicholz, 6 Shannon Ridge Rd, said her main concern is that the access/egress issue is being addressed. She said she had been in contact with State Representative Jan Geigler who expressed her concern for the public safety.

Attorney Jaber then said Mr. Balskus will address some of the issues, but they will wait until next meeting so they have the City Traffic Engineer's comments.

Mr. Balskus said he would respond to Mr. Deakin's comments. He said in the photos taken by Mr. Deakin there were frequent blockages during peak hours due to heavy volume on Mill Plain and Aunt Hack, so the cars could not get by or got by at a slower pace. He said in that situation you either slow down to go around or stop and wait. Regarding the comments about vacant office space in this area, they increased their numbers to address potential background growth. They did not include Old Mill Plain Rd. because of a discussion with City Traffic Engineer. He said all of these improvements would be reviewed by State DOT, as they make the final decision. He said the reason you don't see an increase in traffic volume is because the cars are already on the road. Ms. Hoffstaetter asked how the study takes into account increased congestion not caused by traffic counts. Mr. Balskus said they account for that in their numbers. Ms. Hoffstaetter then asked about regional counts of increased development. Mr. Balskus said they did not do a land use analysis; they look in terms of the build year at the regional growth rate. The numbers that were used include existing and potential vacancies. Ms. Hoffstaetter asked what went into their study in terms of regional growth. Mr. Balskus said percentage

Mrs. Emminger said they can close this hearing tonight as we received the Engineering Dept. comments today. The applicant has agreed on the record that they will comply with the comments except for the widening of Middle River Rd. Revisions that were submitted this week have addressed all comments except for Engineering and their concerns can be conditioned in the approval. She said the Commission needs to decide about accessway; by definition they are a flag lot with an accessway regardless of amount of frontage being provided. Chairman Finaldi asked if any of the Commission members had any issues with accessway and no one did. Mr. Urice asked if the applicant will have to submit new plans. Mrs. Emminger said once the hearing is closed they can't submit revised plans, but once they vote on this, he can submit revisions.

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8-3a Referral – Petition of Perch LLC, 116, 118 & 122 Coalpit Hill Rd. (#K17014, #K17013/1 & 2, & #K17012) for Change of Zone from RMF-10 to IL-40. *Public hearing scheduled for August 26, 2008*

Mr. Manuel made a motion to table this matter until the next meeting. Mr. Urice seconded the motion and it was passed unanimously.

[illegible]

CORRESPONDENCE:

Letter from Attorney Paul Jaber requesting five year extension on the application SE #603 which was approved on August 6, 2003 for Interstate Business Center LLC, Prindle La. (#D14001).

Mrs. Emminger explained that the first letter requesting an extension of this Site Plan approval was received last Thursday. Corporation Counsel has since advised us that this letter should include both the special exception and the site plan. So they submitted a letter today requesting that both site plan and special exception approvals be extended. Mr. Urice said that he did not agree with Attorney Jaber's opinion that a special exception survives the project for which it is granted and that there was substantive case law to support that belief. Rather, each application must stand on its own merits. Mr. Urice made a motion to grant the five year extension of the Special Exception and Site Plan for SE #603 through August 5, 2013. Mr. Manuel seconded the motion and it was passed unanimously.

[illegible]

Chairman Finaldi noted that there was nothing under Old Business, New Business or Other Matters. Under For Reference Only were listed four applications for Floodplain Permits and two public hearings scheduled for the August 6th meeting. It was also noted that the Floodplain Application for the Dunkin Donuts at 79 Federal Rd. has been withdrawn.

At 11:45 PM, Mr. Urice made a motion to adjourn. Mr. Manuel seconded the motion and it was passed unanimously.